

MCI Communications Corporation

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FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETAIN



February 14, 1995

Mr. William F. Caton Secretary Federal Communications Commission Room 222 1919 M Street NW Washington, D.C. 20554

> Re: <u>CC Docket 94-129; Policies and Rules Concerning</u> <u>Unauthorized Changes of Consumers' Long Distance Carriers</u>

Dear Mr. Caton:

On February 13, Steve Inkellis, Greg Intoccia, Bill Marmon and I met with Kathleen Wallman, Chief of the Common Carrier Bureau and Anna Gomez, Wilbert Nixon and Robert Spangler of the Bureau staff. The purpose of the meeting was to review MCI's position in this proceeding. Besides summarizing MCI's Comments and Reply Comments, we discussed commercial practices in non-telecommunications fields and examined some MCI promotional literature and letters of agency. Examples are attached. We also reviewed MCI's proposed standard for LOAs combined with inducements and the Federal Trade Commission's standard for deceptive trade practices (attached).

Sincerely,

Leonard S. Sawicki

Attachments

cc: Ms. Gomez

Mr. Nixon

Mr. Spangler
Ms. Wallman

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## MCI PROPOSED STANDARD FOR LOAs COMBINED WITH INDUCEMENTS

FEDERAL COMMUNICATIONS COMMISSION OFFICE OF SECRETARY

## Statutory Authority

Section 201 of the Communications Act of 1934 declares unlawful practices that are "unjust or unreasonable" and authorizes the FCC to prescribe rules necessary to carry out the provisions of the Act.

## MCI Proposal

MCI proposes that the Commission adopt a rule designed to protect consumers from unjust or unreasonable practices of carriers in connection with documentation authorizing a switch of the consumer's interexchange carrier while recognizing that there is a wide variety of legitimate business practices that are neither unjust nor unreasonable. The rule would state:

When a document contains a LOA in combination with other information including but not limited to inducements to subscribers to purchase service, the document taken as a whole must reasonably inform the consumer that by executing the LOA the consumer is authorizing a change in his or her Primary Interexchange Carrier.

## FEDERAL TRADE COMMISSION STANDARD FOR DECEPTIVE TRADE PRACTICES

## Statutory Authority

Section 5 of the Federal Trade Commission Act, 15 U.S.C. Section 45 et seq., declaring unlawful any "unfair or deceptive acts or practices in or affecting commerce."

#### FTC Guidance

The FTC's current view implementing its statutory authority is that an act is a deceptive trade practice if it:

"is a *material* representation, omission, or practice that is likely to mislead a consumer acting *reasonably* under the circumstances."

FTC Congressional Testimony of Phoebe Morse, Regional Director, given September 2, 1994, before the Senate Committee on Governmental Affairs Subcommittee on Regulation and Governmental Information.

President ABC Company 123 Main Street Anytown, NY 12345-0000 Mr. John Q. Sample

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Mr. John Q. Sample President ABC Company 123 Main Street Anytown, NY 12345-0000 Return this reply card by December 31, 1994. Or for faster service, call 1-800-889-4898.

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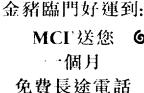














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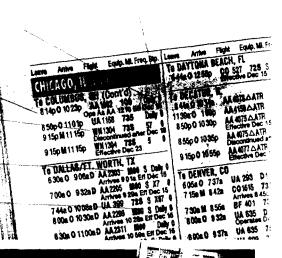
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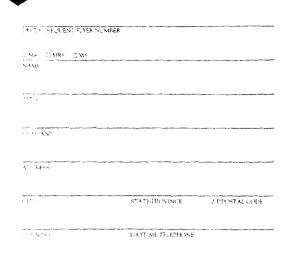
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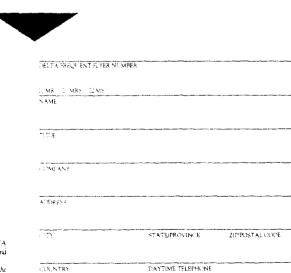
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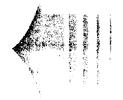
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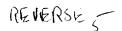
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SIGNATURE (required to join MCI)

DATE

I authorize MCI to provide my commercial long distance service, and I authorize MCI to notify my local telephone company of this change for the phone number listed. I understand that I may have only one long distance company for each telephone number. I also understand that the local phone company may charge me a small fee for this and any other change, and that MCI will reimburse me for that fee up to \$5 per line.

\*Offer valid through 9/30/94.

John D. Sample Rapp Collins Worldwide 1440 Corporate Dr. Irving, TX 75038 000000000 PW3 000013

## American Airlines<sup>\*</sup> Advantage

Harris Market and the fall of Sample A. Sample 1044 Pulinski Road Ivyland, PA 18974-1552

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Earn up to 5,000 bonus AAdvantage miles when you enroll by November 30, 1993!

Dear Sample A. Sample,

You can earn American Airlines AAdvantage miles every day with MCI®: Five miles for every dollar you spend on residential long distance, excluding taxes and credits. Plus, when you enroll by November 30, 1993, you'll earn 5,000 bonus AAdvantage miles -- 2,500 miles just for signing up and another 2,500 miles after your first six months of MCI calling.

#### Why not earn miles for calling and travel free sooner?

The miles you earn for MCI calling will automatically appear on your AAdvantage statement -- added together with the miles you earn for flying -you'll travel free on American Airlines even sooner.

#### Earn up to 5,000 bonus AAdvantage miles.

Just enroll by November 30, 1993 for MCI long distance service at your home and the MCI/AAdvantage Card for calls while traveling.

#### There are so many good reasons why you should use MCI.

Starting with savings. MCI's basic Dial 1 service saves you on every call over AT&T. What's more, MCI gives you everything AT&T has to offer, including 24-hour operator assistance, customer service and instant credit when you dial a wrong number. Plus, MCI is the only long distance company that earns you AAdvantage miles.

#### All it takes is a phone call.

Simply call 1-800-228-1994 or mail the form below. You won't have any interruption in telephone service. In fact, the only difference you'll notice is in the savings you'll realize and the AAdvantage miles you'll earn!

Michael W. Gunn Senior Vice President Marketing

American Airlines, Inc.

Stewart Dougherty Vice President Consumer Services

MCI Telecommunications Corp.

P.S. Just pick up the phone and earn miles for something you do every day already! Call 1-800-228-1994 or mail the form below today. Enroll by November 30, 1993 and earn up to 5,000 bonus miles!

Earn AAdvantage\* miles for every residential call you make on MCL\* Enroll by November 30, 1993 and earn up to 5,000 bonus miles!

YES! I want residential MCI Dial 1 service for my long distance calls from home and a personal MCI/AAdvantage Card for my calls while traveling.

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AAdvantage Number: AJ40396

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If your address has changed, please indicate corrections above

Please check the appropriate boxes:

TPlease send me 1 🗆 2 🗀 free additional MCI AAdvantage Cards for family members.
Than a current MCI customer and want to earn AAdvantage.

The current home telephone number(s) I would like included in this program:

Your signature is required for enrollment:

name as the AAdvantage account

It inflorize MGI to notify my local phone company that I am choosing MGI as my primary long distance current for the telephone numbers? listed above. I understand that I can have only one primary current per telephone number, and that my local diselphone company may apply a small service charge for this are; any later change.

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## Earn AAdvantage Miles With Every Residential Call You Make On MCl.

## And Up To 5,000 Bonus AAdvantage Miles When You Enroll By November 30, 1993.

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Call now for the code to cash your \$35 check and start saving with the lowest-priced international calls!

Dear Friend.

Simply call 1-800-488-4391 ext. 3510 and join MCL and we'll give you the code required to cash your \$35\* check. You must have the four-digit code to write in the boxes on the tront of the check, in order to cash it. Without the code, the check is of no value to you. Now you can save even more on all the calls you make worldwide with MCL.

#### Choose how you want to save on your international calls!

Just dial the toll-free number, and an MCI representative will show you how to get the best savings on your international calls with MCI's Friends Around the World' calling plan.

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With MCI and Friends Around the World, you get clear, quality connections on every call. 24-hour customer service in Mandarin. Cantonese or English. Two low per-minute rates, so you always know what your calls will cost. All for a low, \$3 monthly fee.

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With best wishes

Rose Los

Asian Market Manager

P. S. Call for the code to cash your \$35 check and join Friends Around the World. And don't torget to write your phone number in the boxes on the back of the check.

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現在只要打電話到(國語)1-800-336-2592 ext. 4890 或(粵語)1-800-336-2613 ext. 5170 加入MCI我們與給您一個密碼用來兑現這張支票。您必須獲得這個四位數密碼。並填寫在支票正面的宣格內才能說現這張支票;沒有密碼。這張支票對你而言是整無價值。現在您就可以享有MCI低廉的費率。者下更多的國際長途電話費。

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您只要打MCI的电費服務電話。我們的國粵語客戶服務代表會告訴您。MCI「環球 親朋好友」 通話計劃將為您節首最多的國際長餘電話費。

- ◆打往同一國家的所有國際長途電話均享有折扣:如果您打國際長途電話給同一個國家的很多人一您可以在MCI低廉的通話費率上獲得20%的折扣。這項費率 比AT&T任何通話計劃都更低廉!
- ◆或者您也可以選定三個國際指定電話號碼以獲得最低廉的通話費:如果您經常 打國際長途電話給在相同或不同國家的某些人、不限地區、您可以任選三個國際 指定宣話號碼。在MCI低賽的通話費率于再獲得高達25%折扣。這項不可思議的 優惠、是最低廉的國際長途電話費門。

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## CHECK-IN REQUIREMENTS

reservation as well as seat assignment on your boarding pass, will be held 11.10 hirutes before your scheduled departure. To avoid problems, be on board the aircraft or checken with an American Airlines agent at the departure gate eceive your boarding pass and be at the boarding point ready to board the arcra' at least 10 minutes before scheduled departure. Please note that you must also present yourself at the international gate at least thirty minutes before scheduled departure time for flights departing from points outside the United States in order to be assured of retaining your reservations and seat assignments. For international travel, we suggest that you arrive at the airport at least 2 hours prior to your departure time. This will allow sufficient time to complete all necessarinternational requirements.

## RESTRICTED ARTICLES

Acid lighter fluid matches and other tems classified by the U.S. Government as nazardous materials modeling but not limited to explosives, flammable solids and liquids. Exiding materials corrected naterials, compressed gasses, poisons etiologic agents. Is loactive materials and inflating materials—cannot be carried in oir as checked in Imprire paggage. It's Government regulations do not allow brearms in card. a Saggage and require that firearms in checked baggage be unicaded indice Gared Firearms must be presented in a hard case or a crushproof-type container manufactured specifically for shipment. Containers with handours must be locked

## 6 RESERVATIONS/RECONFIRMATION

All passengers originating travel in Latin America should reconfirm their reservations 72 hours prior to departure. Some international carriers require reconfirmation of your reservation. Contact the transporting carrier for applicable requirements

Please confirm your reservation if there is a change in your travel plans. Failure to cancel a confirmed booking will result in automatic cancellation of your entire

## BAGGAGE INFORMATION

1-LOCK YOUR BAGGAGE 2-CHECKED BAGGAGE MUST HAVE THE PASSENGERS NAME ON THE OUTSIDE(we recommend your name and address also be placed inside your baggage). 3-CAMERA EQUIPMENT CASH, JEWELRY AND OTHER SIMILAR VALUABLE ITEMS AS WELL AS MEDICATIONS AND

PRESCRIPTIONS, SHOULD BE CARRIED PERSONALLY BY YOU BAGGAGE LIABILITY. Liability for loss, delay or damage to baggage will be limited as indicated below, unless a higher valuation for the checked baggage has been declared and additional charges paid at check in Excess valuation may not be declared or certain types of articles

DOMESTIC: Travel wholly within the 50 states, Puerto Rico, J.S. Virgin Islands.

• Limited to \$1250 per passenger. May be less on some arrines.

- · NO liability for baggage carried in the passenger cabin
- NO lability for camera equipment, jewelry, cash, electronic equipment, or other similar valuable items contained in checked or unchecked. baggage. Passengers should personally carry these items, as well as all medication or prescriptions

NO liability for fragile or perishable articles or for minor dumage, such as scratches, scuffs, dents, cuts and dirt, resulting from normal wear and tear.
 INTERNATIONAL. Any destination or stopover in a country other than the U.S.

Puerto Rico, U.S. Virgin Islands, including domestic portions of an international journey.

The weight of each piece of checked baggage will be considered the maximum free allowance weight for its destination. Free baggage allowance inumber of pieces and maximum weight) may differ by country. Check with an American Airlines representative for the free baggage allowance to your destination.

Liability will be limited to \$9.07 per pound (\$20.00 per k1o) or a maximum hability of \$634.90 per piece of checked baggage. This limit may be lowered for

additional pieces to certain international destinations or when using connecting carriers.)

- Liability for unchecked baggage will be limited to \$400.00
- NO liability for fragile or perishable articles or for minor damage, such as scratches, scuffs, dents, cuts and dirt, resulting from normal wear and tear.

FREE BAGGAGE ALLOWANCE: American will accept for each ticketed passenger three pieces of baggage free of charge. Combined checked and carry-or baggage allowance for domestic travel may be any of the following:

3 pieces checked and no carry-on 2 pieces checked and 1 carry-on

1 piece checked and 2 carry-on. The free baggage allowance for some international destinations may be limited. to 2 chacked pieces and 1 carry-on or 1 checked piece with 2 carry-on. The three bags may not exceed total outside dimensions (length + width + height) of 62", 55" and 45" respectively. Maximum weight per bag is 70 lbs. American may place additional size and weight restrictions on carry-on bags based on stowage capacity of the aircraft. Extra charges apply to items which exceed size or weight limitations or are in excess of the free allowance. Certain items, such as skis and golf clubs, will be accepted as one item under the free allowance. Some

restrictions may apply outside the U.S.

CARRY-ON BAGGAGE: A maximum of two bags may be carried on board subject to space availability and government baggage limitations. A briefcase is considered one of the allotted pieces, as are garment bags. Baggage must fit in an overheal compartment or under a seat. All baggage must be completely stowed before the aircraft may depart the gate. Use of equipment such as portable radios. TV's cellular telephones, video cameras and some electronic toys will not be permitted

during flight. Lap top computers may be used during flight

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